

Remarks

This Amendment is in response to the Office Action dated **April 2, 2009**. The Office Action provisionally rejected claims 1, 14, and 18 on the ground of nonstatutory obviousness-type double patenting; rejected claims 1, 2, 5-11, 14, and 15-20 under 35 USC § 102 over House (US 4,877,661).

Applicant notes that the Office Action indicates that the Examiner assumed that the text in line 3 of claim 5 as filed on February 17, 2009 was a typographical error and not intended to be present. The Examiner is correct. Applicant wishes to thank the Examiner for noting this error.

Independent claims 1, 16, and 18 are herein amended.

In light of the foregoing amendments and following comments, Applicants request reconsideration.

Double-Patenting Rejections

The Office Action provisionally rejected claims 1, 14, and 18 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 2 of copending Application No. 11/026,657.

Applicants request that the double-patenting rejection be held in abeyance until such time as any other rejections or objections have been resolved.

Claim Rejections – Section 102

The Office Action rejected claims 1, 2, 5-11, 14, and 15-20 under 35 USC § 102 over House.

Independent claims 1, 16, and 18 are herein amended. The amendment to claim 1 is illustrative and recites the step of “applying an outwardly directed force to said luminal surface of said polytetrafluoroethylene tube...” Support for this amendment can be found at least on page 4, paragraph [0018].

House does not disclose a method of making ePTFE tubular structure comprising the step of:

using said mechanism to apply an outwardly directed force to said luminal surface

of said polytetrafluoroethylene tube" as recited in claim 1; or

applying radial pressure to said luminal surface of said polytetrafluoroethylene tube from said longitudinal foreshortening and radially expanding mechanism"; as recited in claims 16 and 18.

Consequently, Applicants request withdrawal of the rejection of independent claims 1, 16, and 18.

Claims 2, 5-11, 14, 15, 17, 19, and 20 depend from claims 1, 16, or 18.

Consequently, these claims are patentable for at least the reasons base claims 1, 16, and 18 are patentable.

Conclusion

Based on at least the foregoing remarks, Applicants request withdrawal of the rejections and allowance of claims 1, 2, 5-11, 14, and 15-20. Favorable consideration and prompt allowance of these claims is earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in better condition for allowance the Examiner is invited to contact Applicants' undersigned representative at the telephone number listed below.

Respectfully submitted,

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